

## *St. Louis City Ordinance 62622*

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 37

INTRODUCED BY ALDERMAN DANIEL J. MCGUIRE

An ordinance establishing the Central West End North Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rate, initial levy, uses to which revenue may be put, creating a board of commissioners; and containing severability, effectiveness and emergency clauses.

WHEREAS, a petition signed by property owners of the area hereinafter described has been filed with the City, requesting the establishment of a Special Business District; and

WHEREAS, a survey and investigation on the desirability and possibility of forming a Special Business District in that portion of the City of St. Louis generally bounded by Lindell, Kingshighway and Washington Boulevards, Olive Street and Taylor Avenue, has been conducted and a written report thereof is on file in the office of the City Register, which contains the nature of, need for and approximate cost of the special services to be provided by the Special Business District at no additional cost to the City; and

WHEREAS, this Board of Aldermen did on April 3, 1992, adopt Resolution No. 263 declaring its intention to establish a Special Business District in said area and calling for a public hearing on the matter; and

WHEREAS, said public hearing, duly noticed, was held at 1:30 p.m. on April 20, 1992, by the Board of Aldermen; and

WHEREAS, this Board of Aldermen hereby finds that the adoption of this ordinance is in the best interest of the City of St. Louis and that the property owners and tenants of said area and the public in general will benefit by the establishment of said special business district and the increased level of services provided by the proposed additional tax revenues;

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. A Special Business District, to be known as the "Central West End North Special Business District" (hereinafter referred to as the "District"),

is hereby established for the area of the City depicted in Exhibit "A", attached hereto and incorporated herein, and described as follows:

Beginning at the intersection of the centerlines of Kingshighway and Lindell Boulevards; thence northwardly along the centerline of Kingshighway Boulevard across all intervening streets to the intersection of the centerlines of Kingshighway and Washington Boulevards; thence eastwardly along the centerline of Washington Boulevard across all intervening streets to the intersection of the centerlines of Washington Boulevard and Olive Street; thence southeastwardly along the centerline of Olive Street across all intervening streets to the intersection of the centerlines of Olive Street and Taylor Avenue; thence southwestwardly along the centerline of Taylor Avenue across all intervening streets to the intersection of the centerlines of Taylor Avenue and Lindell Boulevard; thence westwardly along the centerline of Lindell Boulevard across all intervening streets to the point of beginning at the intersection of the centerlines of Lindell and Kingshighway Boulevards; which area includes all of the following City Blocks: 2963, 2964, 3879S, 3880, 3881, 3882, 3894, 3895, 3896, 4576, 4577, 5207, 5208, 5673 and 5674.

SECTION TWO. Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for costs and expenses incurred in the operation of the District, the provision of services and improvements authorized in Sections Five and Six of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on notes authorized for the construction or acquisition of any said improvement, there may be imposed a tax upon all real property within the District which shall not exceed fifty cents (\$.50) on the one hundred dollars (\$100.00) assessed valuation, subject to the provisions of Section Eleven.

B. If the proposition submitted to the qualified voters residing in the District receives in its favor the votes of the majority of the qualified voters voting at the election conducted pursuant to Section Eleven, the initial rate of levy which shall be imposed upon real property within the District shall be fifty cents (\$.50) on the one hundred dollars (\$100.00) assessed valuation.

C. Real property subject to partial tax abatement under the provisions of Chapter 353, R.S.Mo., shall for the purpose of assessment and collection of ad valorem real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the same assessed value on which its ad

valorem real estate taxes and payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the development plan of any such corporation and authorizing tax abatement.

D. The tax provided for by this ordinance shall be collected by the Collector of Revenue and held in a special account to be used only for all purposes authorized hereunder, as provided by law.

E. The levy shall not be imposed upon real property exempt from ad valorem real estate taxes because of charitable, religious, educational or other public or private exempt uses.

F. The tax provided for by this ordinance shall only be levied and collected for tax years 1992, 1993, 1994, 1995 and 1996. If the District is thereafter dissolved, all delinquent taxes collected after the date of dissolution shall be credited and forwarded to the general fund of the City of St. Louis after all debts of the District, if any, are discharged.

SECTION THREE. For the purposes of paying costs and expenses to be incurred in the acquisition, construction, improvement, expansion and/or maintenance of any facilities of the District, the District may incur indebtedness and issue notes for the payment thereof under the terms of, and subject to, the requirements set forth by law.

SECTION FOUR. There shall be a Board of Commissioners to administer the District consisting of seven (7) members appointed by the Mayor with the advice and consent of the Board of Aldermen.

A. Membership: Five (5) members shall be owners of real property within the District and two (2) members shall be renters of real property within the District, provided that:

1. Of the five (5) members who are owners of real property: at least three (3) shall be registered voters and owner-occupants of residential real property used as a detached single family residence, condominium or a building of four (4) dwelling units or less; and at least one (1) shall be the owner of commercial real property.

2. Of the two (2) members who are renters of real property: one (1) shall be a registered voter who rents and occupies real property used as a dwelling unit; and one (1) shall be a renter who occupies real property used as a business licensed by the City.

3. No employee or elected official of the City shall be a member of the Board of Commissioners.

4. All persons seeking to be appointed or reappointed as a member of the Board of Commissioners shall be nominated only by a written petition to the Mayor signed by at least ten (10) registered voters residing in the District. Such petition shall contain:

a) the nominee's name and

b) residential address and telephone number, and

c) occupation and title, if any, and

d) business address and telephone number, if any, and

e) a list of all real property owned within the District, if any, and

f) the category of membership the nominee is seeking, and

g) the printed name, address and signature of each registered voter nominating the person.

5. The Mayor shall not appoint any person not qualified under the provisions of this section.

B. Term of Office: Each member of the Board of Commissioners shall serve for a four (4) year term (except as provided herein with respect to the initial members), with terms expiring as of December 31st of the designated year or when their successors are appointed, whichever is later.

C. Initial Members and Terms: The initial members shall be appointed for the terms set forth as follows: one (1) member shall be appointed for a term expiring December 31, 1992; two (2) members shall be appointed for a term expiring December 31, 1993; two (2) members shall be appointed for a term expiring December 31, 1994; and two (2) members shall be appointed for a term expiring December 31, 1995. The initial members shall be appointed and confirmed no later than July 17, 1992.

D. Removal: The Mayor with approval of the Board of Aldermen may remove any member of the Board of Commissioners for misconduct or neglect of duty upon written charges and after a public hearing.

E. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal, resignation, expiration of term, or otherwise, shall be reported to the Mayor by the Board of Commissioners and shall be filled in like manner as an original appointment no later than thirty (30) days after the date of said report to the Mayor and no sooner than seven (7) days after the publication of notice of such vacancy required by Section Eight. Appointments to fill vacancies shall be for the unexpired portion of a term only.

SECTION FIVE: The funds of the District collected by the Collector of Revenue shall only be used for any of the following activities and improvements related to security, traffic and parking:

A. For the provision of special police facilities, equipment and personnel for the protection of the property owners, residents and the general public within the District; and

B. If authorized by separate ordinance, for the closing of existing streets or alleys in whole or in part, or for the prohibition or restriction of vehicular traffic on streets or alleys in whole or in part as deemed necessary for the provision of means for access by emergency vehicles to or in the District.

SECTION SIX: The District shall have all the powers necessary to carry out any and all activities and improvements authorized by law and may:

A. Cooperate with any public agencies and with any industry or business located within the District in the implementation of any project within the District;

B. Enter into any agreement with the City, any other public agency, any person, firm, or corporation;

C. Contract and be contracted with, sue and be sued and provide for insurance of all projects and property owned or managed by the District and for insurance covering all members of the Board of Commissioners and employees and agents of the District, risks and with such limits as the Board of Commissioners may deem proper;

D. Accept gifts, grants, loans or contributions from the City, the United States of America, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships, or corporations; and

E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as the Board of Commissioners may deem advisable; the District may also contract with independent contractors for any such assistance;

F. Provided, however, that the members of the Board of Commissioners shall serve without compensation of any kind.

SECTION SEVEN: The Board of Commissioners shall file an annual report with the Board of Aldermen, which shall set forth the programs and expenditures of the District for the previous fiscal year. The Board of Commissioners shall also file with the Board of Aldermen a proposed budget setting forth the expected expenditures for the ensuing fiscal year. The Board of Commissioners shall not expend any funds collected by the Collector of Revenue inconsistent with or until an annual budget for the expenditure of such funds is approved by the Board of Aldermen by Resolution.

SECTION EIGHT: The Board of Commissioners shall publish, or cause to be published, in a twice-weekly, weekly or bi-weekly newspaper of general circulation within the District:

A. Each annual report, no later than two (2) weeks after its submission to the Board of Aldermen;

B. Each annual proposed budget, no later than two (2) weeks after its submission to the Board of Aldermen; and

C. Notice of each vacancy on the Board of Commissioners, no later than two (2) weeks after such notice is reported to the Mayor; and with such notice, the provisions of Section Four.

SECTION NINE: The City shall not decrease the level of municipally funded services in the District existing prior to the creation of the District, unless the services at the same time are decreased throughout the City, nor shall the City discriminate in the provision of new municipally funded services between areas included in the District and areas not so included.

SECTION TEN: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be separate, distinct and independent provisions of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

SECTION ELEVEN: The tax levy authorized in Section Two shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the District at the City-wide election to be held on August 4, 1992, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

# OFFICIAL BALLOT

(Check one for which you wish to vote)

Shall a tax of \$.50 per \$100.00 valuation be imposed on all real property located in the Central West End North Special Business District as defined in Ordinance No.\_\_\_\_\_, approved , \_\_\_\_\_ for the purposes set forth in said Ordinance for the tax years 1992, 1993, 1994, 1995 and 1996 only?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

SECTION TWELVE: This being an ordinance for the immediate preservation of public peace, health and safety, it is declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/08/92	05/08/92	W&M	05/19/92	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
05/22/92			05/29/92	05/29/92
ORDINANCE	VETOED		VETO OVR	
62622				